

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELWOOD G. HALL,

Defendant.

**CR-90-17-GF-BMM
CR-90-24-BLG-BMM**

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 6, 2019. (Docs. 126 and 54.) Wolverine filed objections on August 15, 2019. (Doc. 127 and 55.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on August 6, 2019. (Docs. 122 and 50.) The United States accused Mr. Hall of violating his conditions of supervised release by (1) using methamphetamine on two separate occasions; (2) by consuming alcohol; (3) by failing to report for substance abuse testing; (4) by failing to report for substance abuse treatment; and (5) by failing to notify his probation officer of a change in residence. (Docs. 126 and 54.) Hall admitted

allegations 1, 2, 3 and 4, but denied allegation 5. (Docs. 126 and 54 at 3.) The United States did not attempt to prove that Hall had committed another crime. (Docs. 126 and 54 at 3.)

Hall now opposes Judge Johnston's Findings and Recommendations, objecting to the recommended sentence of 6 months, objecting to the recommended term of supervised release of 30 months and requesting to allocute before the undersigned. (Doc. 127 and 55.)

The Court conducted a revocation hearing on September 3, 2019. (Docs. 129 and 56.) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations. Hall's violations of his conditions represent a serious breach of the Court's trust. These violation prove serious and warrant revocation of Hall's supervised release. Judge Johnston has recommended that the Court revoke Hall's supervised release and commit Hall to the custody of the Bureau of Prisons for six months. (Docs. 126 and 54 at 4.) Judge Johnston further has recommended that 30 months of supervised release follow his custody period. (Docs. 126 and 54 at 4.) The sentence recommended by Judge Johnston is sufficient, but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Docs. 126 and 54) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant ELWOOD GENE HALL be sentenced to custody for six months, followed by 30 months supervised release.

DATED this 3rd day of September, 2019.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with "Brian" on top and "Morris" below it, both starting with a capital letter.

Brian Morris
United States District Court Judge

